


**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: February 26, 2014

Item: Cycle Down Dawg, 5958 Ashworth Road – Jennifer Hardcastle – Allow a 1980sf fitness center into an existing tenant space – PC-002055-2014

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Lynne Twedt 

Applicant's Request: The applicant, Jennifer Hardcastle of Cycle Down Dawg, LLC, is requesting approval of a permitted Conditional Use Permit to allow a 1,980sf fitness center into a space in the Ashworth Plaza center located at 5958 Ashworth Road (southeast corner of 60th Street & Ashworth Road).

History: The City Council approved the site plan for the Ashworth Place shopping center [Ashworth Plaza] on January 3, 1994 (Case No. SP-93-40). On April 25, 1994, the City Council approved the final plat for this property, Wentworth Plaza Plat 1 (Case No. FP-94-03).

City Council Subcommittee: This item was not presented to any council subcommittee. Permitted Conditional Use applications generally are presented to the subcommittee for information only; no recommendation or communication from the subcommittee is needed.

Staff Review and Comment: There are no outstanding issues.

Permitted Conditional Use Permit Findings: The application presented for Cycle Down Dawg was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use have met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Noticing Information: On February 14, 2014, notice of the February 26, 2014, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing also was mailed to surrounding property owners within 370 feet of the subject property on February 14, 2014.

Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit: Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow a 1,980sf fitness center at 5958 Ashworth Road, subject to meeting all City Code requirements.

Property Owner: Aspen Invest , LLC
Attn: Jeff Stanbrough
10888 Hickman Road, Suite 3B
Clive, IA 50325
jeff@stanbroughrealty.com

Applicant: Cycle Down Dawg, LLC
Attn: Jennifer Hardcastle
7551 Pommel Place
West Des Moines, IA 50066
koby789@msn.com

SITE DETAILS

Comprehensive Plan: Neighborhood Commercial
Existing Zoning: Neighborhood Commercial District (NC)
Proposed Zoning: Same
Existing Land Use: Shopping Center (Ashworth Plaza)

Surrounding Land Uses:

North:	Existing Land Use: Convenience Store and Shopping Center Existing Zoning: Neighborhood Commercial District (NC) Comprehensive Plan Designation: Neighborhood Commercial
East:	Existing Land Use: Single Family Residential Development Existing Zoning: Residential Single-Family District (R-10) Comprehensive Plan Designation: Single Family Residential
South:	Existing Land Use: Single Family Residential Development Existing Zoning: Residential Single-Family District (R-10) Comprehensive Plan Designation: Single Family Residential
West:	Existing Land Use: Single Family Residential Development Existing Zoning: Residential Single-Family District (R-1 and RS-10) Comprehensive Plan Designation: Single Family Residential

Total Land Area: 4.16 acres

Total Building Area: 42,907 sq. ft.

Impervious Area: Not calculated for this application – no exterior modifications

Parking: Required: 213 spaces (based on current tenant mix)
Provided: 227 spaces

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Attachment B	-	Location Map
Attachment C	-	Previously Approved Site Plan

Prepared by: L.Twedt, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-002055-14) TO ALLOW A FITNESS CENTER TO BE LOCATED WITHIN THE ASHWORTH PLAZA DEVELOPMENT LOCATED AT 5958 ASHWORTH ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jennifer Hardcastle with Cycle Down Dawg, in conjunction with the property owner, Aspen Investments, LLC, has requested approval of a Permitted Conditional Use permit to allow a 1,980sf fitness center to be located within the Ashworth Plaza center located at 5958 Ashworth Road, and legally described as follows:

Legal Description of Property

LOTS 1 AND 2, WENTWORTH PLAZA PLAT 1, A PLAT IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on February 26, 2014, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-002055-2014);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated February 26, 2014, or as amended orally at the Board of Adjustment hearing of February 26, 2014, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-002055-2014) allowing the establishment of a 1,980sf fitness center within the Ashworth Plaza center is approved, subject to compliance with all the conditions in the staff report, dated February 26, 2014, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on February 26, 2014.

Jennifer Drake, Chairperson
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2014, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

No Conditions of Approval.



Location Map

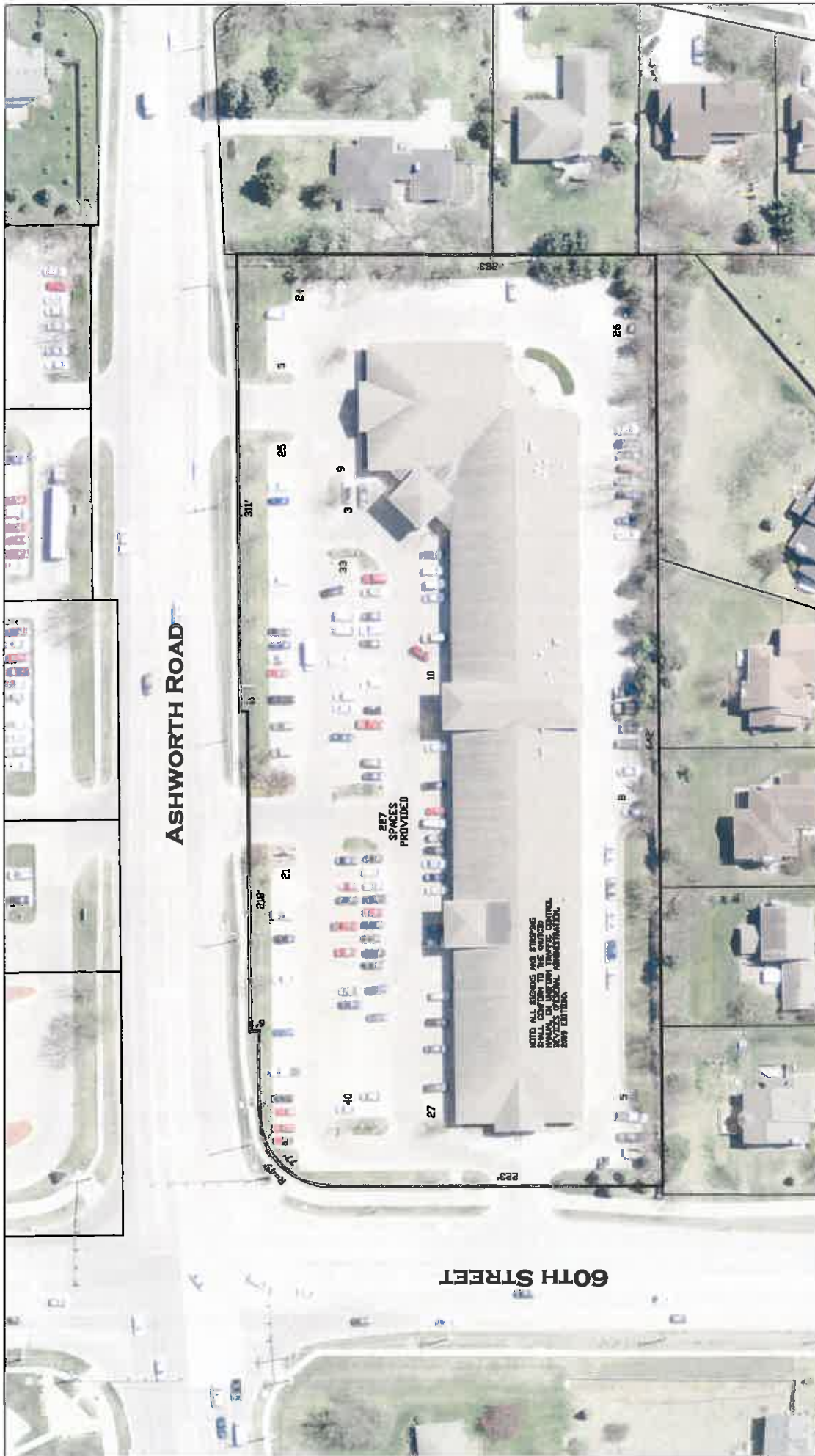


522.3 0 261.17 522.3 Feet

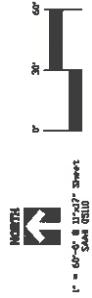
NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



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 50311-4448 515-444-7854 www.simonsoninc.com



ASHWORTH PLAZA
 WEST DES MOINES, IOWA

JULY 20, 2011

This drawing has been prepared by the undersigned professional engineer or architect for the purpose of showing the location of the proposed improvements and is not to be used for any other purpose without the written consent of the undersigned. The drawing is not to be construed as a warranty or representation of the accuracy of the information provided. The drawing is the property of the undersigned and shall remain confidential. No part of this drawing may be reproduced without the written consent of the undersigned. Copyright 2011 by Simonson & Associates, Inc.